

**U.S. District Court
Northern District of Ohio (Cleveland)
CIVIL DOCKET FOR CASE #: 1:10-cv-00403-BYP
Internal Use Only**

Catanzaro v. Proctor & Gamble Co.
Assigned to: Judge Benita Y. Pearson
Case in other court: Pennsylvania Middle, 3:08-cv-02231
Cause: 28:1338 Patent Infringement

Date Filed: 02/23/2010
Date Terminated: 02/22/2011
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

David Catanzaro

Patent #
6,026,532

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V.

Defendant

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Mark A. Willard

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT ON PENNSYLVANIA

DAVID CATANZARO

Plaintiff

vs.

PROCTER & GAMBLE CO.

Defendant.

3: CV 08-2231

JURY TRIAL DEMANDED
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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, David Catanzaro complains of defendant Procter & Gamble Co. ("P&G") as follows:

1. This is a claim for patent infringement under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive jurisdiction over the subject matter of this case under 28 U.S.C. § 1338(a).

2. David Catanzaro (Inventor) has a current residence of 286 Upper Powderly Street, Carbondale, PA 18407.

3. Plaintiff has the sole right, title and interest in and has standing to sue for infringement of: United States Patent No. 6,026,532 (the "'532 Patent") entitled "Toothbrush Assembly" which issued on February 22, 2000. The '532 Patent, is attached hereto as Exhibit A respectively.

4. Procter & Gamble Co. ("P&G") is a Ohio corporation with a principal place of business at 1 Procter & Gamble Plaza Cincinnati, OH 45202

5. Procter & Gamble Co. ("P&G") transacts business in this judicial district and has committed acts of infringement in this judicial district, in 2001, 2002, 2003, 2004 and 2005 at least by selling and offering for sale their respective product: SpinBrush (kids product line) which is accused of infringing the '532 Patent, during 2001 through 2005 in this judicial district, throughout the entire United States of America and World Wide.

6. The Plaintiff first became aware of the alleged infringement on December 4, 2008 when said product was purchased at Wegmans supermarket Dickson City, PA.

7. In 2005 Church & Dwight a corporation of New Jersey, bought the SpinBrush product line from Procter & Gamble and currently markets said product throughout the United States and global Market.

8. The '532 Patent expired on February 22, 2004. The '532 Patent was issued on February 22, 2002, valid and enforceable through February 21, 2004. Under Patent code 35 U.S.C. § 286, relief is being sought 6 years back to the day from the filling of this complaint through February 21, 2004.

9. Venue is proper in this district under 28 U.S.C. § § 1391 and 1400(b)

10. Procter & Gamble have infringed, directly infringing claims 1, 4, 5, 6 and 7 of the '532 Patent through, among other activities, the use, sale, offer for sale of their respective product: SpinBrush (kids product line). Procter & Gamble have also infringed claims 1, 4, 5, 6 and 7 of the '532 Patent by knowingly and actively inducing others to infringe, by contributing to the infringement of others and by intentionally aiding, assisting and encouraging the infringement of others through the sale, and offer for sale of their respective product: SpinBrush (kids product line).

11. Procter & Gamble's infringement, contributory infringement and inducement to infringe has been willful and deliberate and has injured Plaintiff.

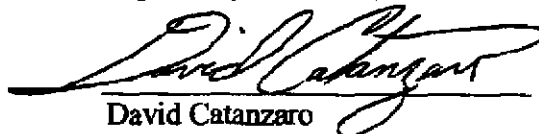
WHEREFORE, Plaintiff David Catanzaro requests this Court enter Judgment against defendant Procter & Gamble Co. and against their subsidiaries, successors, parents, affiliates, directors, agents, servants, employees, and all persons in active concert or Participation with it, granting the following relief:

- A. The entry of judgment in favor of Plaintiff and against the defendant;
- B. An award of damages adequate to compensate Plaintiff for infringement that has occurred throughout the entire United States of America and World Wide, together with prejudgment interest from the enforceable date during infringement, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284;
- C. A finding that Procter & Gamble's infringement has been willful and an award of increased damages as provided by 35 U.S.C. § 284;
- D. Attorney Fees (if any) and costs; and,
- E. Such other relief that Plaintiff is entitled to under law and any other further relief that this Court or jury may deem just and proper.

Jury Demand

Plaintiff demands a trial by jury on all issues presented in this complaint.

Respectfully submitted,



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